

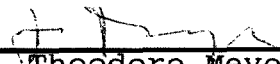
ILLINOIS POLLUTION CONTROL BOARD
May 4, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 95-114
) (Enforcement-Air)
C.P. INORGANICS, INC.,)
n/k/a PHIBRO-TECH, INC.,)
a Delaware Corporation,)
)
Respondent.)

CONCURRING OPINION (by J. Theodore Meyer):

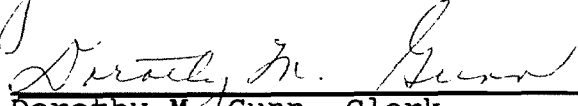
I concur with the majority's acceptance of the stipulation and settlement in this case. However, I continue to be troubled by the absence of any mention of attorney's fees and costs in the settlement agreement.

Section 42(f) of the Environmental Protection Act (Act) provides that the Board may award costs and reasonable attorney's fees in cases brought on behalf of the people of the State of Illinois. (415 ILCS 5/42(f) (1992)). In the instant case, the complaint requests that the Board impose such costs and fees; however, the stipulation and settlement does not refer to this request, nor explain whether some percentage of costs and fees were figured into the penalty. I continue to believe that costs and fees should be pursued on behalf of the Illinois taxpayer, and urge the parties to bear this in mind in future negotiations in this case.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was filed on the 8th day of May, 1995.



Dorothy M. Gunn, Clerk
Illiois Pollution Control Board